

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Ollen Colbert,	:Case # 1:00-cv-00909
Plaintiff,	: Judge Susan Dlott
Hogan	U.S. Magistrate Judge Timothy
v.	:
The Cincinnati Gas & Electric Company	: <u>MOTION TO EXTEND TIME</u>
and	:
International Brotherhood of International	:
Workers. Local #1347	:
Defendants.	:

Comes now Plaintiff, by and through Counsel, to request an extension of time from January 31, 2004 until February 28, 2004 to submit his Expert's Report because the Expert, Jamal Abu-Rashed, Ph.D., Economist, has been delayed in completing the Report through no fault of his own as specifically explained in the Memorandum below.

Counsel for Defendants have been contacted by phone. Ms Ezell for Cincinnati Gas and Electric Co., does not object; Mr. Synder has not responded

Respectfully submitted,

/s/Rose Ann Fleming
Rose Ann Fleming # 0041337
Attorney for Plaintiff
Rose Ann Fleming Professional

Corporation

Suite 13

3855 Ledgewood Drive
Cincinnati, Ohio 45207
Phone & Fax: 513-924-8389
Email: fleming@xavier.edu

MEMORANDUM IN SUPPORT

Jamal Abu Rashed, Ph.D. Economists and Professor of Economy at Xavier University has been filed as Plaintiff's expert witness. When contacted regarding submission of his report on the 29th of January, 2004, Dr. Rashed said that the report has been unfortunately delayed because of massive reconstruction in the offices of the Williams College of Business at Xavier University and all of his work was boxed up and put in storage. He will not have access to the work before February 15, 2004.

Further, Plaintiff has ongoing need for Discovery to be had.

WHEREFORE, Plaintiff, by Counsel, respectfully requests the Court to grant him an extension until February 28, 2004 to file his Expert Report herein and to adjust the calendar accordingly.

s/Rose Ann Fleming
Rose Ann Fleming #0041337
Attorney for Plaintiff
Rose Ann Fleming,
Legal Professional Corporation
3855 Ledgewood Dr., Suite 13
Cincinnati, Ohio 45207
Phone & Fax: 513-924-8389
Email: fleming@xavier.com.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above was served by facsimile transmission to Defendant Cincinnati Gas and Electric's attorney, Julie L. Ezell, 1000 East Main St., Plainfield, IN 46168-1782 (317-838-6001) and Defendant International Brotherhood of Electrical Workers, Local # 1347's attorney, Gary A. Snyder, 11 W. Monument Building, Suite 307, Dayton, OH 45402 (937-228-5248) on this 30th day of January, 2004.

s/Rose Ann Fleming
Rose Ann Fleming (0041337)